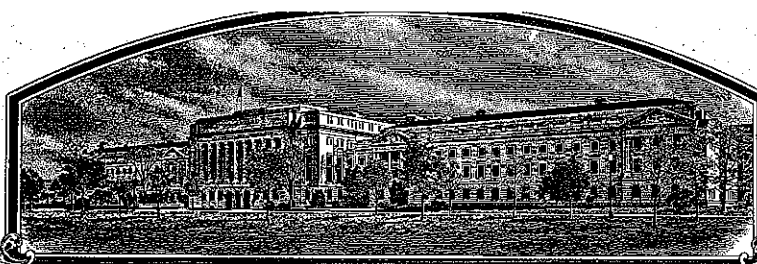


No.

200500047



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Brotherton Seed Co., Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Feisty'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of June, in the year two thousand and seven.

Attest:



Commissioner
Plant Variety Protection Office
Agricultural Marketing Service


Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Brotherton Seed Co., Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME FR 678		3. VARIETY NAME FEISTY	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 451 S. Milwaukee Avenue PO Box 1136 Moses Lake, WA 98837		5. TELEPHONE (include area code) (509) 765-1816		FOR OFFICIAL USE ONLY PVPO NUMBER 200500047 FILING DATE DECEMBER 27, 2004	
		6. FAX (include area code) (509) 765-1817			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION WA		9. DATE OF INCORPORATION February 1, 1955	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Jerome Brotherton PO Box 1136 Moses Lake, WA 98837				FILING AND EXAMINATION FEES: \$3,652.00 DATE 12/27/04 CERTIFICATION FEE \$768.00 DATE 06/04/2007	
11. TELEPHONE (include area code) (509) 765-1816		12. FAX (include area code) (509) 765-1817		13. E-MAIL info@brothertonseed.com	
14. CROP KIND (Common Name) Pea		16. FAMILY NAME (Botanical) Leguminosae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Pisum Sativum L.		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		MAH 6-4-07	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER  NAME (Please print or type) Jerome Brotherton		SIGNATURE OF OWNER NAME (Please print or type) Jerome Brotherton			
CAPACITY OR TITLE President		DATE 12/13/2004		CAPACITY OR TITLE President	
		DATE 12/13/2004			

(See reverse for instructions and information collection burden statement)

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

First sale of FEISTY was dated 12 February 2004, with shipment to Hermiston Foods in Hermiston, Oregon, USA.

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Exhibit A

Origin and Breeding History of FEISTY

FEISTY was selected from the progeny of a cross of our breeding line FR774 and the line that was later named CASELODE. The parentage of FR774 was GREEN ARROW/VANTAGE//VW8475. VW8475 was an afile breeding line developed by van Waveren Pflanzenzucht. The cross was made in the winter of 1989-1990 in the greenhouse of Brotherton Seed Co. Teddy L. Lund, Brotherton's plant breeder, did the crossing and all subsequent breeding work at Moses Lake, WA. The F1 was grown in the field the following summer and the F2 in the greenhouse in the fall of 1990. Seed from the F2 was harvested in bulk and planted in the field in the spring of 1991. Selections were made in that F3 population and pedigree selection followed through the F7 generation in 1995, growing each generation in the field at Moses Lake. Selection criteria included standability, pod size, pea color and flavor, general plant health, and reaction to Powdery Mildew. An F5 derived bulk was included in our yield trials in 1996 and 1997. The line exhibited excellent yield, quality, and standability in these trials. An F7-derived F8 progeny was selected and bulked in 1996. That stock was increased in subsequent years as the stock for the new variety, to be designated FR678, and tested in our trials beginning in 1998. Small-plot testing at other locations began in 1999. Large plot trials were conducted in customer fields in 2002 and 2003.

Seed of FEISTY was increased in the years 1997, 1998, 1999, 2001, 2002, and 2003; and in each case the fields were carefully inspected for characteristic rogues, mixtures, and detectable variants. In 1999 one plant of approximately 60,000 was found with normal leaves and blooming at the ninth node. This apparent mixture was removed and nothing similar was seen in subsequent generations despite careful scrutiny. Because no characteristic rogues, mixtures, or detectable variants have been found in three years representing, respectively, approximately 0.4 million, 1.2 million, and 7 million plants, the variety is deemed to be uniform and stable.

APPLICATION NO. 200500047, Pea, 'FEISTY'**EXHIBIT B. STATEMENT OF DISTINCTNESS**

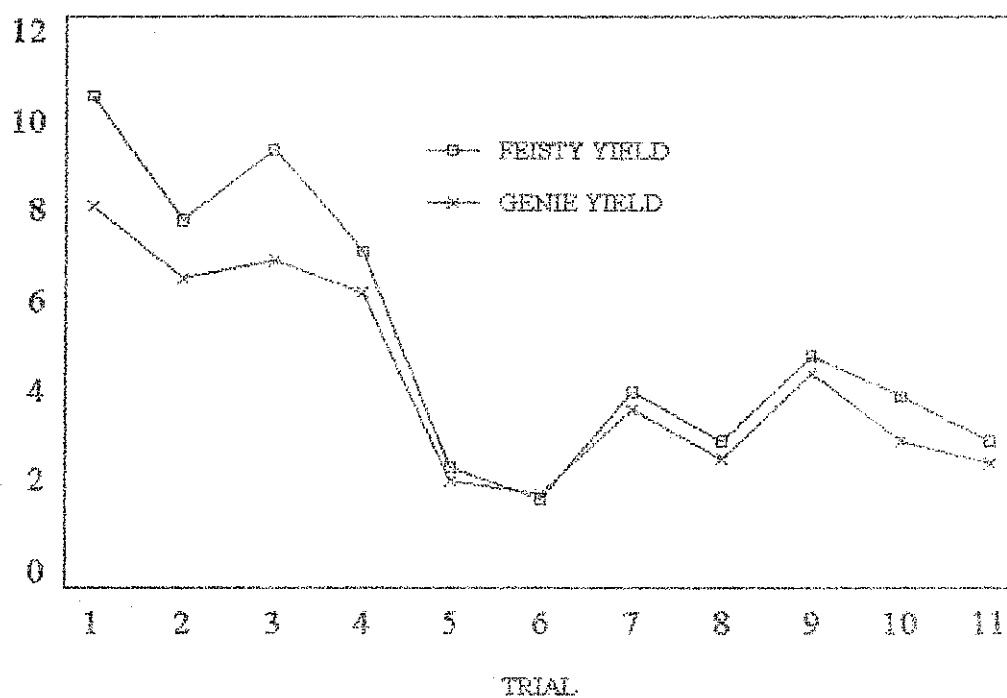
FEISTY is distinctly different from all other pea varieties. It is most similar to the variety GENIE and is distinguishable from GENIE in the following ways:

1. FEISTY has three pods per node, whereas GENIE has two pods per node.
2. FEISTY is higher yielding than GENIE as shown by results from comparisons of both varieties in 11 trials.

TRIAL	YEAR SITE	REPS	ENTRY #	FEISTY YIELD (Tons/acre)	GENIE YIELD (Tons/acre)
1	1996 MOSES LAKE	4	ST.7-9: 3	10.6	8.1
2	1997 MOSES LAKE	4	ST.7-11: 4	7.8	6.5
3	1998 MOSES LAKE	4	ST.7-8: 16	9.4	6.9
4	1999 MOSES LAKE	4	ST.7-12: 35	7.1	6.2
5	2000 OREGON STATE U	4	28:32	2.3	2.0
6	2001 OREGON STATE U	4	36:30	1.6	1.7
7	2003 MOSES LAKE	4	ST.7-14: 11	4.0	3.6
8	2004 U. OF Minn-Waseca	3	3:13	2.9	2.5
9	2005 MOSES LAKE	4	ST.6-23: 65	4.8	4.4
10	2005 MOSES LAKE	4	ST.7-42: 53	3.9	2.9
11	2006 MOSES LAKE	4	ST.7-41: 67	2.9	2.4

Measures of standardized skewness and standardized kurtosis for this data showed that the data statistics fell within the range expected for a normal distribution. A paired samples t-test ($t = 2.412$, $p = 0.006$) showed that the yield of FEISTY is significantly higher than that of GENIE at 5% level of significance. These results are further graphically represented in Figure 1.

Fig1: YIELD(T/A) COMPARISONS BETWEEN FEISTY AND GENIE AT 11 TRIAL SITES



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3. FEISTY is earlier to reach harvest maturity (100 tenderometer) than is GENIE as shown by results from comparisons of both varieties in 11 trials.

TRIAL	YEAR SITE	ENTRY #	REPS	TEND-FEISTY	TEND-GENIE
1	1996 MOSES LAKE	ST.7-9: 3	4	103	94
2	1997 MOSES LAKE	ST.7-11: 4	4	128	113
3	1998 MOSES LAKE	ST.7-8: 16	4	158	127
4	1999 MOSES LAKE	ST.7-12: 35	4	89	100
5	2000 OREGON STATE U	28:32	4	98	94
6	2001 OREGON STATE U	36:30	4	96	99
7	2003 MOSES LAKE	ST.7-14: 11	4	116	107
8	2004 U. OF Minn-Waseca	3:13	3	109	89
9	2005 MOSES LAKE	ST.6-23: 65	4	118	111
10	2005 MOSES LAKE	ST.7-42: 53	4	106	95
11	2006 MOSES LAKE	ST.7-41: 67	4	112	105

Analysis of data showed no violation of the properties of the normal distribution and a paired samples t-test ($t = 2.700$, $p = 0.022$) showed that FEISTY reached harvest maturity earlier than GENIE at the 5% level of significance. These results are further graphically represented in Figure 2.

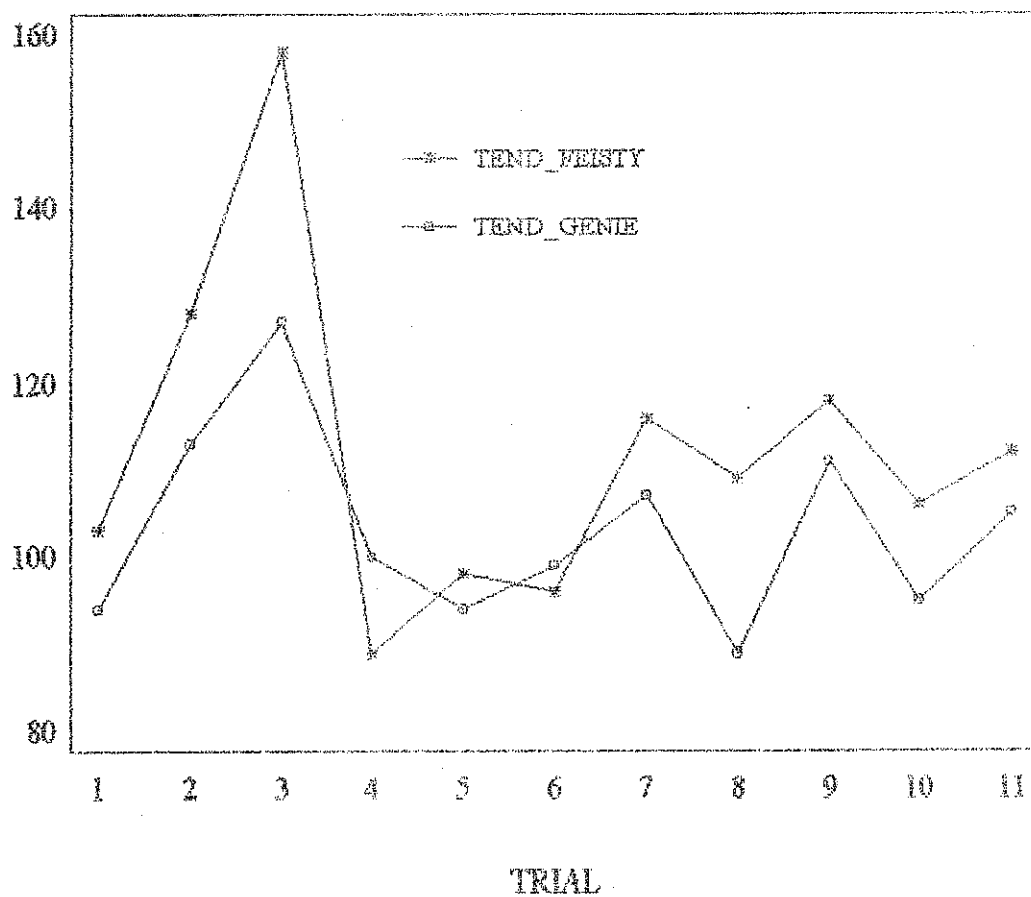
4. The mean plant height in FEISTY is more than that of GENIE although the results showed no significant differences between the two in 11 trials.

TRIAL	YEAR SITE	ENTRY #	REPS	HFEISTY	HGENIE
1	1996 MOSES LAKE	ST.7-9: 3	4	25.5	21.5
2	1997 MOSES LAKE	ST.7-11: 4	4	24.3	23.0
3	1998 MOSES LAKE	ST.7-8: 16	4	29.1	30.0
4	1999 MOSES LAKE	ST.7-12: 35	4	24.7	20.3
5	2000 OREGON STATE U	28:32	4	20.0	22.0
6	2001 OREGON STATE U	36:30	4	16.0	14.0
7	2003 MOSES LAKE	ST.7-14: 11	4	24.7	23.1
8	2004 U. OF Minn-Waseca	3:13	3	18.4	15.1
9	2005 MOSES LAKE	ST.6-23: 65	4	22.1	22.2
10	2005 MOSES LAKE	ST.7-42: 53	4	23.8	18.8
11	2006 MOSES LAKE	ST.7-41: 67	4	23.7	23.7

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Fig 2: COMPARISONS OF TENDEROMETER VALUES FOR FEISTY AND GENIE WHEN GROWN AT 11 TRIAL SITES



According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Pea (*Pisum sativum* L.)

NAME OF APPLICANT (S) Brotherton Seed Co., Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION FR 678	VARIETY NAME FEISTY
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) 451 S. Milwaukee Avenue PO Box 1136 Moses Lake, WA 98837		FOR OFFICIAL USE ONLY PVPO NUMBER 2005 000 4 7

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., or) when the number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____ . Please answer all questions for your variety; lack of response may delay progress of your application.

1. TYPE:

1 = Garden 2 = Field 3 = Edible-podded 4 = Other (Specify) _____

2. MATURITY:

Node Number of First Bloom: No. of Days Processing Heat Units

<input type="text" value="0"/> <input type="text" value="1"/> No. of Days Earlier Than	<input type="text" value="4"/> } 1 = Alaska 2 = Thomas Laxton WR 3 = Little Marvel
Days Same As <input type="text" value=""/>	4 = Wando 5 = Alderman WR 6 = Australian Winter
<input type="text" value="0"/> <input type="text" value="5"/> No. of Days Later Than	<input type="text" value="3"/> } 7 = Other (Specify) _____

3. PLANT HEIGHT:

cm High

cm Shorter Than Name of Check Cultivar Thomas Laxton WR

Same As Same as Check Cultivar _____

cm Taller Than Name of Check Cultivar Wando

4. VINE:

Habit: 1 = Determinate 2 = Indeterminate 3 = Stockiness 1 = Slim (Alaska)
2 = Medium (Thomas Laxton WR)
3 = Heavy (Alderman)

Branching: 1 = None (Alaska) 2 = 1-2 Branches (Little Marvel) 3 = More than 2 Branches (Dwarf Gray Sugar)

Internodes: 1 = Straight 2 = Zig Zag Number of Nodes

8

5. LEAFLETS:

Color: 1 = Light Green (Alaska WR) 2 = Medium Green (Thomas Laxton WR) 3 = Dark Green (Alderman)
 4 = Other (Specify) _____ 5 = Blue Green 6 = Yellow Green 0 = Not Applicable

Wax: 1 = None 2 = Light 3 = Medium 1 = Not Marbled 2 = Marbled (Alaska)
 4 = Heavy 0 = Not Applicable 0 = Not Applicable

Number of Leaflet Pairs: 1 = Not Paired 2 = One 3 = Two 4 = Three or More 0 = Not Applicable

Leaflet Type: 1 = Leafless 2 = Semi 3 = Normal

6. STIPULES:

1 = Lacking 2 = Present 1 = Not Clasping 2 = Clasping

1 = Not Marbled 2 = Marbled Size (Compared with Leaflets): 1 = Smaller 2 = Same 3 = Larger 0 = Not Applicable

Color (Compared with Leaflets): 1 = Lighter 2 = Same 3 = Darker 0 = Not Applicable

Color: 1 = Light Green 2 = Medium Green 3 = Dark Green 4 = Blue Green 5 = Yellow Green 0 = Not Applicable
 Color Chart Value: 137A Select the Color Chart Used to Determine the Values:
☒ Royal Horticulture Society Colour Chart
☐ Munsell Color Chart
☐ Other _____

Stipule Size: 1 = Small 2 = Medium 3 = Large

Please Provide Comparative Varieties (Check Varieties) and Stipule Color

	Variety (1)	Variety (2)	Variety (3)
Variety Name:	<u>Alderman</u>		
Stipule Size:	<u>Large</u>		
Color Chart Value:	<u>137B</u>		

7. FLOWER COLOR:

Venation Standard Wing Keel

1 = White 2 = Greenish 3 = Lavender 4 = Purple 5 = Red 6 = Other (Specify) _____

8. PODS:

Shape: 1 = Straight 2 = Slightly Curved 3 = Curved

End: 1 = Pointed (Alderman) 2 = Blunt (Alaska)

Color: 1 = Light Green (Alaska WR) 2 = Medium Green 3 = Dark Green (Alderman)
 4 = Other (Specify) _____ 5 = Blue 6 = Purple 7 = Yellow

Surface: 1 = Smooth 2 = Rough Surface: 1 = Shiny 2 = Dull

Borne: 1 = Single 2 = Double 3 = Single and Double 4 = Single, Double & Triple 5 = Double & Triple
 6 = Triple 7 = Other (Specify) _____ 8 = Quad, Single, Double, Triple 9 = Quad

cm Length mm Width (Between Sutures) No. Seeds Per Pod

9. SEEDS: (95-100 Tenderometer)

Color: 1 = Light Green 2 = Green 3 = Dark Green 4 = Other (Specify) _____
 5 = Yellow 6 = Brown 7 = Yellow Green

	1	2	3	4	5	6	7	8	Average
Seive: %	<u>02</u>	<u>05</u>	<u>11</u>	<u>28</u>	<u>43</u>	<u>11</u>	<u>00</u>	<u>00</u>	<u>4.4</u>

9. SEEDS: (Dry-Mature)

☐4 Shape: 1 = Flattened 2 = Angular 3 = Oval 4 = Rounded

☐3 Surface: 1 = Smooth 2 = Dimpled ☐2 Surface 1 = Shiny 2 = Dull
3 = Wrinkled

☐1 Color Pattern: 1 = Monocolor 2 = Mottled 3 = Striped 4 = Dotted

☐4 Primary Color: } 1 = Creamy White 2 = Cream & Green 3 = Light Green 4 = Medium Green
☐ Secondary Color: } 5 = Dark Green 6 = Blue Green 7 = Yellow 8 = Brown
9 = Red 10 = Gray 11 = Black 12 = Salmon
13 = Purple 14 = Tan 15 = White 16 = Pink
17 = Yellow Green

☐1 Hilum Floor Color: 1 = White 2 = Tan 3 = Black

☐1 Cotyledon Color: 1 = Green 2 = Yellow 3 = Orange 4 = Cream

☐22 Grams per 100 Seeds

10. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

<input type="checkbox"/> 2 Fusarium Wilt – Race 1	<input type="checkbox"/> 2 Fusarium Wilt (Near Wilt) – Race 2
<input type="checkbox"/> 0 Ascochyta Blight	<input type="checkbox"/> 0 Common Mosaic
<input type="checkbox"/> 0 Bacterial Blight	<input type="checkbox"/> 0 Pea Enation Mosaic Virus
<input type="checkbox"/> 1 Downy Mildew	<input type="checkbox"/> 0 Seedborne Mosaic Virus
<input type="checkbox"/> 3 Powdery Mildew	<input type="checkbox"/> 0 Yellow Bean Mosaic Virus
<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> 5 Leaf Roll Virus
<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Other (Specify) _____

11. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

☐0 Aphids ☐ Other (Specify) _____

12. Additional information on any item above, or general comments that may aid in identification:

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICEEXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Brotherton Seed Co., Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER FR 678	3. VARIETY NAME FEISTY
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 451 S. Milwaukee Avenue PO Box 1136 Moses Lake, WA 98837	5. TELEPHONE (Include area code) (509) 765-1816	6. FAX (Include area code) (509) 765-1817
7. PVPO NUMBER 200500047		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

FEISTY was bred by Teddy L. Lund, an employee of Brotherton Seed Co., Inc. By agreement with Brotherton Seed Co., Inc., all rights to varieties bred by employees are assigned to Brotherton Seed Co., Inc. with no rights retained by the employees.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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